

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CYPRESS HOLDINGS, III, L.P.

Plaintiff,

-v-

SPORT-BLX, INC., GLASSBRIDGE
ENTERPRISES, INC., GEORGE HALL AND
JOSEPH *DEPERIO*,

Defendants.

DOCKET #:

NOTICE OF REMOVAL

State Index #: 650179/2022

TO: THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Defendants, SPORT-BLX, INC., GLASSBRIDGE ENTERPRISES, INC., GEORGE
HALL AND JOSEPH DEPERIO, by and through their attorney, WYLIE STECKLOW PLLC,
respectfully show this Court as follows:

1. Upon information and belief, Plaintiff filed this summons and complaint in the Supreme Court of the State of New York, County of New York on January 11, 2022, receiving an index number 650179/2022, naming SPORT-BLX, INC., GLASSBRIDGE ENTERPRISES, INC., GEORGE HALL AND JOSEPH DEPERIO as defendants therein, and setting forth claims for relief upon which the action is allegedly based. The Summons and Complaint were only served on Defendant Joseph Deperio, on January 15, 2022 with an affidavit of service being filed on the state court docket on January 27, 2022. A copy of Plaintiff's Summons and Verified Complaint, filed January 11, 2022, is annexed hereto as "Exhibit A."

2. Upon information and belief, other than the service of January 15, 2022 on Joseph Deperio, there has been no service on any other defendants in this matter.

3. A review of the New York State Courts Electronic Filing System on February 14, 2022,

at approximately 4:45pm, revealed that no affidavits of service for Defendants Sport-BLX, Inc., GlassBridge Enterprises, or George Hall were filed.

4. The above-captioned action is a civil action of which the United States District Court has original jurisdiction in that it includes causes of action which arise under the Constitution and laws of the United States, pursuant to 28 U.S.C. § 1331. This action is therefore removable to the United States District Court without regard to the citizenship or residence of the parties.

5. Plaintiff brings this lawsuit pursuant to the Securities Exchange Act of 1934, Section 10b and Rule 10b-5, Racketeering 18 U.S.C. § 1962(c) and 18 U.S.C. § 1962(d), as well as state claims for breach of good faith and fair dealing, fraud in the inducement, negligent misrepresentation, civil conspiracy, breach of fiduciary duty, unjust enrichment and civil RICO claims under New Jersey statute. See Exh. A.

6. This Notice of Removal is timely because it is being filed within thirty (30) days of receipt of the initial pleading by Defendant Deperio, and all individually named defendants consent to its removal. See Exh. B.

7. The defense will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

8. The defense is unaware of any previous application for the relief requested herein.

WHEREFORE, defendants respectfully request that the above-captioned action be removed from the Supreme Court of the State of New York, County of NEW YORK, to the United States District Court for the Southern District of New York.

DATED: New York, New York
February 14, 2022

A handwritten signature in black ink, appearing to read 'Wylie M. Stecklow', is written over a horizontal line.

Wylie M. Stecklow, Esq.
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